THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.11409 of 2007

DATED 03.09.2007

Between:
Kuchipudi Hanumantha Rao
and two others. ….. PETITIONERS

versus

The Regional Joint Commissioner of
Endowments, Multi Zone-I, Endowments
Department, Kakinada, East Godavari
District and two others. ….. RESPONDENTS

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.11409 of 2007

ORDER:

This Court ordered Notice Before Admission on 5.6.2007 and made the following order:

> "Meanwhile, the auction if any conducted pursuant to the auction notice dated 24.5.2007 shall be subject to the result of the appeal pending before the first respondent.
>
> There shall also be a direction to the first respondent to dispose of the appeal pending on his file within a period of two weeks from the date of receipt of a copy of this order".

The Writ Petition was directed to appear in the list on 25.6.2007.

2. On 25.6.2007 the learned Government Pleader for Endowments requested time to get instructions as to the stage of the appeal. It is stated that the appeal had not yet been disposed of by the 1st respondent.

3. The Writ Petition is filed praying for the relief of Writ of Mandamus declaring the action of the respondent authorities in

conducting auction to the lands an extent of 7 acres 76 cents covered by RS No.175/2 of Suryarao Palem village, Undrajavaram Mandal, West Godavari District as illegal, arbitrary, unconstitutional and contrary to the provisions of A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 and Rules made thereunder, consequently direct the respondents not to evict the petitioners from the lands an extent of 7 acres 76 cents covered by RS No.175/2 of Suryarao Palem village, Undrarajavaram Mandal, West Godavari District and pass such other suitable orders.

4. A counter affidavit if filed by 3rd respondent denying several of the allegations and narrating several factual details at length at paragraphs 3 to 6 in particular. This Court is not inclined to touch the merits and demerits of the respective contentions advanced by the parties.

5. In view of the facts and circumstances, this Court is inclined to dispose of the Writ Petition with a direction to the 1st respondent to dispose of the appeal as already directed by this Court on 5.6.2007 at an early date preferably within a period of four (04) weeks from the date of receipt of a copy of this order. It is made clear that the pendency of the appeal will not come in the way in further proceeding with the auction.

6. With the direction indicated above, the Writ Petition is disposed of. There shall be no order as to costs.

03.09.2007

SSR